

# House Study Bill 693

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for establishment of a mental health services  
2 system for children and youth.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5355DP 82  
5 jp/rj/14

PAG LIN

1 1 Section 1. NEW SECTION. 225C.51 DEFINITIONS.  
1 2 For the purposes of this division:  
1 3 1. "Child" or "children" means a person or persons under  
1 4 eighteen years of age.  
1 5 2. "Children's system" or "mental health services system  
1 6 for children and youth" means the mental health services  
1 7 system for children and youth implemented pursuant to this  
1 8 division.  
1 9 3. "Functional impairment" means difficulties that  
1 10 substantially interfere with or limit a person from achieving  
1 11 or maintaining one or more developmentally appropriate social,  
1 12 behavioral, cognitive, communicative, or adaptive skills and  
1 13 that substantially interfere with or limit the person's role  
1 14 or functioning in family, school, or community activities.  
1 15 "Functional impairment" includes difficulties of episodic,  
1 16 recurrent, and continuous duration. "Functional impairment"  
1 17 does not include difficulties resulting from temporary and  
1 18 expected responses to stressful events in a person's  
1 19 environment.  
1 20 4. "Other qualifying mental health disorder" means a  
1 21 mental health crisis or any diagnosable mental health disorder  
1 22 that is likely to lead to mental health crisis unless there is  
1 23 an intervention.  
1 24 5. "Serious emotional disturbance" means a diagnosable  
1 25 mental, behavioral, or emotional disorder of sufficient  
1 26 duration to meet diagnostic criteria specified within the most  
1 27 current diagnostic and statistical manual of mental disorders  
1 28 published by the American psychiatric association that results  
1 29 in a functional impairment. "Serious emotional disturbance"  
1 30 does not include substance use and developmental disorders  
1 31 unless such disorders co-occur with such a diagnosable mental,  
1 32 behavioral, or emotional disorder.  
1 33 6. "Youth" means a person eighteen years of age or older  
1 34 but under twenty-two years of age who met the criteria for  
1 35 having a serious emotional disturbance prior to the age of  
2 1 eighteen.  
2 2 Sec. 2. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES  
2 3 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.  
2 4 1. Establishing a comprehensive community-based mental  
2 5 health services system for children and youth is part of  
2 6 fulfilling the requirements of the division and the commission  
2 7 to facilitate a comprehensive, continuous, and integrated  
2 8 state mental health services plan in accordance with sections  
2 9 225C.4, 225C.6, and 225C.6A, and other provisions of this  
2 10 chapter. The purpose of establishing the children's system is  
2 11 to improve access for children and youth with serious  
2 12 emotional disturbances and youth with other qualifying mental  
2 13 health disorders to mental health treatment, services, and  
2 14 other support in the least restrictive setting possible so the  
2 15 children and youth can live with their families and remain in  
2 16 their communities. The children's system is also intended to  
2 17 meet the needs of children and youth who have mental health  
2 18 disorders that co-occur with substance abuse, mental  
2 19 retardation, developmental disabilities, or other

2 20 disabilities. The children's system shall emphasize  
2 21 community-level collaborative efforts between children and  
2 22 youth and the families and the state's systems of education,  
2 23 child welfare, juvenile justice, health care, substance abuse,  
2 24 and mental health.

2 25 2. The goals and outcomes desired for the children's  
2 26 system shall include but are not limited to all of the  
2 27 following:

2 28 a. Identifying the mental health needs of children and  
2 29 youth.

2 30 b. Performing comprehensive assessments of children and  
2 31 youth that are designed to identify functional skills,  
2 32 strengths, and services needed.

2 33 c. Providing timely access to available treatment,  
2 34 services, and other support.

2 35 d. Offering information and referral services to families  
3 1 to address service needs other than mental health.

3 2 e. Improving access to needed mental health services by  
3 3 allowing children and youth to be served with their families  
3 4 in the community.

3 5 f. Preventing or reducing utilization of more costly,  
3 6 restrictive care by reducing the unnecessary involvement of  
3 7 children and youth who have mental health needs and their  
3 8 families with law enforcement, the corrections system, and  
3 9 detention, juvenile justice, and other legal proceedings;  
3 10 reducing the involvement of children and youth with child  
3 11 welfare services or state custody; and reducing the placement  
3 12 of children and youth in out-of-state residential treatment  
3 13 facilities or in group foster care settings.

3 14 g. Increasing the number of children and youth assessed  
3 15 for functional skill levels.

3 16 h. Increasing the capacity to develop individualized,  
3 17 strengths-based, and integrated treatment plans for children,  
3 18 youth, and families.

3 19 i. Promoting communications with caregivers and others  
3 20 about the needs of children, youth, and families engaged in  
3 21 the children's system.

3 22 j. Developing the ability to aggregate data and  
3 23 information, and to evaluate program, service, and system  
3 24 efficacy for children, youth, and families being served on a  
3 25 local and statewide basis.

3 26 k. Implementing and utilizing outcome measures that are  
3 27 consistent with but not limited to the national outcomes  
3 28 measures identified by the substance abuse and mental health  
3 29 services administration of the United States department of  
3 30 health and human services.

3 31 Sec. 3. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND  
3 32 DIVISION == TRANSITION TO ADULT SYSTEM.

3 33 1. The department is the lead agency responsible for the  
3 34 development, implementation, oversight, and management of the  
3 35 mental health services system for children and youth in  
4 1 accordance with this chapter. The department's  
4 2 responsibilities shall be fulfilled by the division.

4 3 2. The division's responsibilities relating to the  
4 4 children's system include but are not limited to all of the  
4 5 following:

4 6 a. Ensuring that the rules adopted for the children's  
4 7 system provide that, within the limits of appropriations for  
4 8 the children's system, children and youth shall not be  
4 9 inappropriately denied necessary mental health services.

4 10 b. Establishing standards for the provision of home and  
4 11 community-based mental health treatment, services, and other  
4 12 support under the children's system.

4 13 c. Identifying and implementing eligibility criteria for  
4 14 the treatment, services, and other support available under the  
4 15 children's system.

4 16 d. Ongoing implementation of recommendations identified  
4 17 through children's system improvement efforts.

4 18 3. An adult person who met the criteria for having a  
4 19 serious emotional disturbance prior to the age of eighteen may  
4 20 qualify to continue services through the adult mental health  
4 21 system.

4 22 Sec. 4. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES  
4 23 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.

4 24 1. The mental health services system for children and  
4 25 youth shall be initially implemented by the division  
4 26 commencing with the fiscal year beginning July 1, 2008. The  
4 27 division shall begin implementation by utilizing a competitive  
4 28 bidding process to allocate state block grants to develop  
4 29 services through existing community mental health centers and  
4 30 other local service partners. The implementation shall be

4 31 limited to the extent of the appropriations provided for the  
4 32 children's system.

4 33 2. In order to maximize federal financial participation in  
4 34 the children's system, the division and the department's  
4 35 Medicaid program staff shall analyze the feasibility of  
5 1 leveraging existing Medicaid options, such as expanding the  
5 2 home and community-based services waiver for children's mental  
5 3 health services, reviewing the feasibility of implementing  
5 4 other Medicaid options such as the federal Tax Equity and  
5 5 Financial Responsibility Act of 1982 (TEFRA) option for  
5 6 children with severe mental illness or emotional disturbance  
5 7 and Medicaid administrative funding, and determining the need  
5 8 for service enhancements through revisions to the Medicaid  
5 9 state plan and the federal state children's health insurance  
5 10 program and the healthy and well kids in Iowa program.

5 11 3. Initial block grants shall support a wide range of  
5 12 children, youth, and family services and initiatives including  
5 13 but not limited to school-based mental health projects, system  
5 14 reviews providing service gap analysis, status studies of the  
5 15 mental health needs of children and youth in representative  
5 16 areas of the state, and mental health assessment capacity  
5 17 development based in public schools and clinical settings  
5 18 using standard functional assessment tools. The purpose of  
5 19 developing the assessment capacity is to determine childrens'  
5 20 and youths' degree of impairment in daily functioning due to  
5 21 emotional, behavioral, psychological, psychiatric, or  
5 22 substance use problems.

5 23 4. The initial block grants may also support an array of  
5 24 programs and services including not limited to mobile crisis  
5 25 intervention services, or other support intended to prevent  
5 26 more intensive or in-patient interventions, skills training,  
5 27 intensive care coordination, and cognitive-behavioral and  
5 28 multisystemic family therapy. In addition, support may be  
5 29 provided for prevention-oriented services including mental  
5 30 health consultations regarding home visits, child welfare,  
5 31 juvenile justice, and maternal and child health services, and  
5 32 consultation for preschool programs.

5 33 5. The division shall report regularly to the commission,  
5 34 general assembly, and governor concerning the implementation  
5 35 status of the children's system, including but not limited to  
6 1 an annual report submitted each January. The report may  
6 2 address funding requirements and statutory amendments  
6 3 necessary to further develop the children's system.

6 4 Sec. 5. EMERGENCY RULES. The mental health, mental  
6 5 retardation, developmental disabilities, and brain injury  
6 6 commission may adopt administrative rules under section 17A.4,  
6 7 subsection 2, and section 17A.5, subsection 2, paragraph "b",  
6 8 to implement the provisions of this Act and the rules shall  
6 9 become effective immediately upon filing or on a later  
6 10 effective date specified in the rules, unless the effective  
6 11 date is delayed by the administrative rules review committee.  
6 12 Any rules adopted in accordance with this section shall not  
6 13 take effect before the rules are reviewed by the  
6 14 administrative rules review committee. The delay authority  
6 15 provided to the administrative rules review committee under  
6 16 section 17A.4, subsection 6, and section 17A.8, subsection 9,  
6 17 shall be applicable to a delay imposed under this section,  
6 18 notwithstanding a provision in those sections making them  
6 19 inapplicable to section 17A.5, subsection 2, paragraph "b".  
6 20 Any rules adopted in accordance with the provisions of this  
6 21 section shall also be published as a notice of intended action  
6 22 as provided in section 17A.4.

#### 6 23 EXPLANATION

6 24 This bill provides for creation of a mental health services  
6 25 system for children and youth by the division of mental health  
6 26 and disability services of the department of human services.

6 27 New Code section 225C.51 provides definitions of the terms  
6 28 "child" or "children", "children's system" or "mental health  
6 29 services system for children and youth", "functional  
6 30 impairment", "other qualifying mental health disorder",  
6 31 "serious emotional disturbance", and "youth". "Youth" is  
6 32 defined to mean a person age 18 or older but less than age 22  
6 33 who met the criteria for having a serious emotional  
6 34 disturbance prior to age 18.

6 35 New Code section 225C.52 states the purpose and the goals  
7 1 and outcomes desired for the children's system. The purpose  
7 2 is to improve access for children and youth with serious  
7 3 emotional disturbances and youth with other qualifying mental  
7 4 health disorders to mental health treatment, services, and  
7 5 other support in the least restrictive setting possible so the  
7 6 children and youth can live with their families and remain in

7 7 their communities.

7 8 New Code section 225C.53 outlines the role of the

7 9 department of human services as the lead agency for the

7 10 children's system and designates the division of mental health

7 11 and disability services to fulfill various responsibilities

7 12 relating to the system.

7 13 New Code section 252C.54 outlines requirements for the

7 14 initial implementation of the system in FY 2008=2009 using

7 15 competitive block grants through existing community mental

7 16 health centers and other local service providers, requiring

7 17 the department to analyze options for leveraging additional

7 18 Medicaid options, and engaging local school, child welfare,

7 19 juvenile justice, mental health, and health care

7 20 professionals. Certain services, such as school-based mental

7 21 health services and the development of mental health

7 22 assessment capacity based in public schools and clinical

7 23 settings, are required to be supported through the block

7 24 grants. The services supported may also include other

7 25 services such as mobile crisis intervention services and

7 26 prevention-oriented services.

7 27 The division is required to regularly report on the status

7 28 of the implementation to the mental health, mental

7 29 retardation, developmental disabilities, and brain injury

7 30 commission, governor, and general assembly, including an

7 31 annual report each January.

7 32 The bill includes authority for the commission to adopt

7 33 administrative rules to implement the bill using emergency

7 34 provisions that forgo public comment periods but maintain a

7 35 final review by the administrative rules review committee

8 1 prior to adoption of the rules.

8 2 LSB 5355DP 82

8 3 jp/rj/14.2